

Article - Business Regulation

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§11-202.

(a) The Commission consists of 9 members, appointed by the Governor with the advice and consent of the Senate.

(b) At the time of appointment and qualification:

(1) each member shall be:

(i) at least 25 years old;

(ii) a resident of the State who has resided in the State for at least the last 5 years;

(iii) a qualified voter of the State; and

(iv) an individual who has not been convicted of a crime that involves moral turpitude;

(2) at least 3 members of the Commission shall be knowledgeable or experienced in an aspect of thoroughbred racing; and

(3) at least 3 other members shall be knowledgeable or experienced in an aspect of harness racing.

(c) (1) A member of the Commission may not hold an official relation to a licensee or hold any stocks, bonds, or other financial interest in a licensee.

(2) Not more than 4 members who are appointed after July 1, 1989, may have a financial interest in racing in the State.

(3) Not more than 6 members may be of the same political party.

(d) Before taking office, each appointee to the Commission shall take the oath required by Article I, § 9 of the Maryland Constitution.

(e) (1) The term of a member of the Commission is 4 years and begins on July 1.

(2) The terms of members are staggered as required by the terms provided for members of the Commission on October 1, 1992.

(3) At the end of a term, a member continues to serve until a successor is appointed and qualifies.

(4) A member who is appointed after a term has begun serves only for the rest of the term and until a successor is appointed and qualifies.

(f) (1) Subject to the hearing requirements of subsection (g) of this section, the Governor, with the advice of the Secretary, may remove a member of the Commission for inefficiency, misconduct in office, or neglect of duty.

(2) Except as provided in paragraph (3) of this subsection and subject to paragraph (4) of this subsection, a member shall be considered to have resigned if the member did not attend at least two-thirds of the Board meetings held during any consecutive 12-month period while the member was serving on the Board.

(3) The Governor may waive a member's resignation and allow the member to continue serving if the member has been unable to attend meetings for reasons satisfactory to the Governor and the reasons are made public.

(4) In accordance with § 8-501 of the State Government Article, the chairman shall provide notice to the Governor and the Governor shall appoint a successor.

(g) (1) Before the Governor removes a member, the Governor shall give the member an opportunity for a public hearing.

(2) At least 10 days before the hearing, the Governor shall give the member:

- (i) a copy of the charges; and
- (ii) notice of the time and place of the hearing.

(3) The member may be represented at the hearing by counsel.

(4) If the Governor removes a member, the Governor shall submit to the Secretary of State:

- (i) a statement of all charges made against the member;
- (ii) the findings of the Governor; and

(iii) a record of the proceedings.

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